THE BOMBAY PREVENTION OF GAMBLING ACT, 1887.

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BOMBAY ACT No. IV OF 1887.[1]

[*5th January, 1888.*]

An Act to consolidate and amend the law for the prevention of Gambling in the Presidency of Bombay.

Preamble. WHEREAS it is expedient to consolidate and amend the law for the prevention of Gambling in the Presidency of Bombay; It is enacted as follows:—

Short title. **1.** This Act may be cited as the Bombay Prevention of Gambling Act, 1887.

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1887, Pt. IV, p. 12; for Report of the Select Committee, *see ibid*, p. 239, and for Proceedings in Council, *see ibid*, pp. 215 and 244.

It extends to the City of Bombay, to the Island of Salsette, to all [1][railways and] railway station-houses without the said city and island, and to all places not more than three miles distant from any part of such station-houses, respectively, and all or any of its provisions may be [2]extended from time to time by the Governor in Council, by an order published in the Bombay Government Gazette, to any local area in the Presidency of Bombay. Extent.

The Governor in Council may from time to time, by an order published as aforesaid, cancel or vary any order made by him under this section.

2. [*Repeal of enactments.*] *Rep. Act XVI of 1895.*

3. [3][In this Act "gaming" includes wagering or betting except wagering or betting upon a horse-race, when such wagering or betting takes place— "Gaming" defined.

(*a*) on the day on which such race is to be run, and

(*b*) in an enclosure which the licensee of the race-course, on which such race is to be run, has set apart for the purpose under the terms of the license issued under section 4 of the Bombay Race-Courses Licensing Act, 1912[4], in respect of such race-course, and

Bom. Act III of 1912.

(*c*) between any individual in person on the one hand and such licensee on the other hand in such manner and by such contrivance as may be permitted by such license;

but does not include a lottery.

Any transaction by which a person in any capacity whatever employs another in any capacity whatever or engages for another in any capacity whatever to wager or bet whether with such licensee or with any other person shall be deemed to be 'gaming': Provided, nevertheless, that such licensee may employ servants, and persons may accept service with such licensee, for wagering or betting in such manner or by such contrivance as may be permitted in such license.]

[5][In this Act the expression "instruments of gaming" includes any article used as a subject or means of gaming, [6][and any document used as a register or record or evidence of any gaming].] "Instruments of gaming" defined.

In this Act "common gaming-house" means a house, room or place in which [7][any] instruments of gaming are kept or used for the profit "Common gaming house" defined.

[1] These words were inserted by Schedule I, Part II, Serial No. 13 of the Bombay Repealing and Amending Act, 1910 (Bom. Act 1 of 1910), Vol. V of this Code.

[2] For notifications extending the Act, *see* Bombay Local Rules and Orders.

[3] This definition was substituted by s. 2 of the Bombay Prevention of Gambling (Amendment) Act, 1922 (Bom. Act 5 of 1922), Vol. V of this Code.

[4] Vol. V of this Code.

[5] This definition was inserted by s. 1 of the Bombay Gambling Act, 1890 (Bom. Act 1 of 1890), Vol. III of this Code.

[6] These words were added by s. 2 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. Act 6 of 1919), Vol. V of this Code.

[7] This word was substituted for the words "cards, dice, tables, or other" by *ibid.*

or gain of the person owning, occupying, using or keeping such house, room or place, whether by a charge for use of the instruments of gaming or of the house, room or place, or otherwise howsoever.

Keeping common gaming-house.

4. Whoever—

(*a*) being the owner or occupier or having the use of any house, room or place, opens, keeps or uses the same for the purpose of a common gaming-house,

(*b*) being the owner or occupier of any such house, room or place knowingly or wilfully permits the same to be opened, occupied, kept or used by any other person for the purpose aforesaid,

(*c*) has the care or management of, or in any manner assists in conducting the business of, any such house, room or place opened, occupied, kept or used for the purpose aforesaid,

(*d*) advances or furnishes money for the purpose of gaming with persons frequenting any such house, room or place,

shall be punished,

[1][(*a*) for a first offence with imprisonment which may extend to three months or with fine which may extend to five hundred rupees;

(*b*) for a second offence with imprisonment which may extend to six months and, in the absence of special reasons to the contrary to be mentioned in the judgment of the court, shall not be less than seven days, either with or without fine which may extend to one thousand rupees; and

(*c*) for a third or subsequent offence with imprisonment which may extend to six months and, in the absence of special reasons to the contrary to be mentioned in the judgment of the court, shall not be less than one month, together with fine which may extend to one thousand rupees.]

Gaming in common gaming-houses.

5. [2][Whoever is found in any common gaming-house gaming or present for the purpose of gaming, shall be punished with fine which may extend to two hundred rupees or with imprisonment which may extend to one month.]

Any person found in any common gaming-house during any gaming [3]* * therein shall be presumed, until the contrary be made to appear, to have been there for the purpose of gaming.

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[1] These words were substituted for the words " with fine which may extend to five hundred rupees, or with imprisonment which may extend to three months " by s. 3 of the Bombay Prevention of Gambling (Amendment) Act, 1922 (Bom. Act 5 of 1922), Vol. V of this Code.

[2] This paragraph was substituted by s. 3 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. Act 6 of 1919), Vol. V of this Code.

[3] The words " or playing " were repealed by *ibid.*

Power to authorize entry of gaming-house by Police-officers.

6. It shall be lawful for the Commissioner of Police in the City of Bombay, and elsewhere for any Magistrate of the First Class or any District Superintendent of Police or for any Assistant Superintendent empowered by Government in this behalf, upon any complaint made before him on oath, that there is reason to suspect any house, room or place to be used as a common gaming-house, and upon satisfying himself after such inquiry as he may think necessary that there are good grounds for such suspicion, to give authority, by special warrant under his hand, when in his discretion he shall think fit, to any Inspector, or other superior officer of Police, of not less rank than a chief constable,—

(*a*) to enter, with the assistance of such persons as may be found necessary, by night or by day, and by force, if necessary, any such house, room or place, and

(*b*) to take into custody and bring before a Magistrate all persons whom he finds therein, whether they are then actually gaming or not, and

(*c*) to seize all instruments of gaming, and all moneys and securities for money, and articles of value reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein, and

and seizure of gaming instruments.

(*d*) to search all parts of the house, room or place, which he shall have so entered, when he shall have reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he shall so find therein or take into custody, and to seize and take possession of all instruments of gaming found upon such search.

Proof of keeping, or of gaming in, common gaming-house.

7. When any [1]* * * instruments of gaming [2]* * * are found in any house, room or place entered under warrant issued under the provisions of the last preceding section or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, room or place is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no [3][gaming] was actually seen by the Magistrate or Police-officer or by any person acting under the authority of either of them.

On conviction for keeping or gaming in

8. On conviction of any person for opening, keeping or using a common gaming-house, [4]* * or gaming therein, or being present therein for the purpose of gaming, the convicting Magistrate may order all the

[1] The words " cards, dice, gaming-table, counters, cloth, board or other " were repealed by s. 4 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. Act 6 of 1919), Vol. V of this Code.

[2] The words " used in playing any game, not being a game of mere skill," were repealed by *ibid.*

[3] This word was substituted for the word " play " by *ibid.*

[4] The words " or playing " were repealed by s. 5, *ibid.*

common gaming-house, instruments of gaming may be destroyed.

instruments of gaming found therein or on the persons of those who were found therein, to be forthwith destroyed,

and may also order all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and the proceeds thereof, with all moneys seized therein, to be forfeited; or, in his discretion, may order any part of such proceeds and other moneys to be paid to any person appearing to be entitled thereto.

Proof of playing for money not required for conviction.

9. It shall not be necessary, in order to convict a person of any offence against any of the provisions of sections 4 and 5, to prove that any person found [1][gaming] was playing for any money, wager or stake.

Indemnification of persons concerned who are examined as witnesses.

10. Every person who shall have been concerned in any gaming contrary to this Act, and who shall be examined as a witness by or before a Magistrate on the trial of any charge against the owner, keeper or occupier or other person having the care or management of any common gaming-house, touching such gaming, and who upon such examination shall make true and faithful discovery to the best of his knowledge of all things as to which he shall be so examined, and who shall thereupon receive from the said Magistrate a certificate in writing to that effect, shall be freed from all prosecutions under this Act for anything done before that time in respect of such gaming.

Payment of portion of fine to informer.

11. The Magistrate trying any case under the provisions of sections 4 and 5 may direct any portion, not exceeding one-fourth, of any fine which may be levied under either of the said sections, or any part of the proceeds of articles or moneys seized and ordered to be forfeited under section 8, to be paid to an informer.

Power to arrest without warrant for gaming, and setting birds and animals to figh in public streets.

12. A Police-officer may apprehend without warrant—

(*a*) any person found [2][gaming] in any public street, [3][or thoroughfare, or in any place to which the public have or are permitted to have access] [4][or in any race-course];

(*b*) any person setting any birds or animals to fight in any public street, [3][or thoroughfare, or in any place to which the public have or are permitted to have access];

(*c*) any person there present aiding and abetting such public fighting of birds and animals.

Any such person shall, on conviction, be punished with fine which may extend to fifty rupees, or with imprisonment which may extend to

[1] This word was substituted for the words "playing at any game" by s. 6 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. Act 6 of 1919), Vol. V of this Code.

[2] This word was substituted for the words "playing for money or other valuable thing with cards, dice, counters or other instruments of gaming used in playing any game, not being a game of mere skill" by s. 7, *ibid.*

[3] These words were substituted for the words "place or thoroughfare" by Schedule I, Part II, Serial No. 14 of the Bombay Repealing and Amending Act, 1910 (Bom. Act 1 of 1910), Vol. V of this Code.

[4] These words were added by s. 4 of the Bombay Prevention of Gambling (Amendment) Act, 1922 (Bom. Act 5 of 1922), Vol. V of this Code.